

# NAVAJO COUNTY BOARD OF SUPERVISORS

## RESOLUTION NO. 77-93

### A RESOLUTION OF THE NAVAJO COUNTY BOARD OF SUPERVISORS ADOPTING AN AMENDMENT TO THE ARTICLE 29 OF THE NAVAJO COUNTY ZONING ORDINANCE

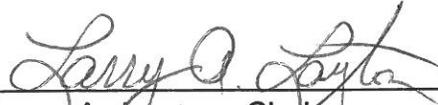
The Navajo County Board of Supervisors does resolve as follows:

**SECTION 1.** The Board of Supervisors does hereby declare and determine the following recommended amendment was duly given and published, that a Public Hearing was duly held on the 4TH day of OCTOBER, 1993, and that the public necessity, convenience and general welfare and good zoning practice require that the following amendment and change be made.

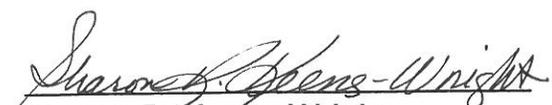
**SECTION 2.** The Board of Supervisors hereby adopts the change and amendment to the text of ARTICLE 29, entitled AMENDMENTS, of the Navajo County Zoning Ordinance to read as follows:

**SEE ATTACHED**

APPROVED AND ADOPTED this 4<sup>th</sup> day of October, 1993

  
\_\_\_\_\_  
Larry A. Layton, Chairman  
Navajo County Board o Supervisors

ATTEST:

  
\_\_\_\_\_  
Sharon R. Keene-Wright  
Clerk of the Board

THE PROPOSED AMENDMENT OR CHANGE, HOW THE REAL PROPERTY OWNERS WITHIN THE ZONING AREA MAY FILE APPROVALS OR PROTESTS OF THE PROPOSED REZONING, AND NOTIFICATION THAT IF TWENTY PERCENT OF THE PROPERTY OWNERS BY AREA AND NUMBER WITHIN THE ZONING AREA FILE PROTESTS, AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL MEMBERS OF THE BOARD WILL BE REQUIRED TO APPROVE THE REZONING.

- 3) Upon receiving the report and recommendation of the Commission, the Board of Supervisors shall hold a public hearing on such ~~petition~~ APPLICATION giving at least fifteen(15) days notice thereof by publication once in a newspaper of general circulation in the County Seat and by adequate posting of the area of concern in said ~~petition~~ APPLICATION at least fifteen (15) days in advance of the public hearing. After public hearing the Board of Supervisors may adopt the ~~petitioners'~~ APPLICANTS' proposed change provided that if twenty percent (20%) of the owners, by number and by area, of all other property within three hundred (300) feet of the proposed change file a protest, such change shall not be made except by ~~the unanimous~~ A THREE-FOURTHS vote of all members of the Board of Supervisors.

#### Section 2903 - Amendments Initiated by the Commission.

Amendments initiated by the Commission are subject to the same public hearing requirements set forth herein for amendments initiated by ~~petition~~ AN APPLICATION, and shall include adequate posting of the area of concern in amendments changing zoning district boundaries at least fifteen (15) days in advance of all required public hearings. Upon concluding the public hearings, the Board of Supervisors may adopt amendments initiated by the Commission provided that if, in the case of amendments changing zoning district boundaries, twenty percent (20%) of the owners, by number and area, of all other property within three hundred (300) feet of the proposed change file a protest, such amendment shall not be made except by ~~the unanimous~~ A THREE-FOURTHS vote of all members of the Board of Supervisors.

#### Section 2904 - Right-of-Way Acquisition.

The recommendation of the Commission concerning amendments changing zoning district boundaries may include appropriate provision for acquiring right-of-way for street widening purposes if it appears that the adoption of such amendment would have the effect of increasing traffic congestion. The amount of land recommended for such acquisition, however, shall not extend beyond the setback lines set forth in Section 2509 hereof.

Section 2905 - Re-Consideration of Denied Petition.  
APPLICATION

If a petition AN APPLICATION for amendment is denied by the Board of Supervisors, that petition APPLICATION shall not be re-filed nor shall there be filed with the Board of Supervisors any other petition APPLICATION for the same amendment within one (1) year unless there is a change of circumstances warranting such filing.

Section 2906 - Fees.

There shall be the following fees; Re-Zoning and Ordinance Amendments, \$75 or \$5 per acre whichever is greater not to exceed \$300 for each separate Zoning District requested; Zoning Extensions \$75 for each separate Zoning District requested; Special Development and Planned Area Development Site Plans, in addition to re-zoning fees, there shall be a fee of \$75 plus \$20 a lot or acre, whichever is greater, not to exceed \$1,500; Site Plan Amendments, \$75; Special Use Permits, \$100 or \$150 for Mobile Home Subdivision, Parks or Travel Trailer Parks; Special Use Permit Extensions, \$75; Review of Conditions, Stipulations or Plat Variances, \$75.

ARTICLE 29 - AMENDMENTS.

Section 2910 - Authority.

The Board of Supervisors may from time to time, after receiving report and recommendation thereupon by the Commission and after public hearings required by law, amend zoning district boundaries or the regulations herein or subsequently established. Amendment may be initiated either by petition APPLICATION or by the Commission on its own motion.

Section 2902 - Amendments Initiated by ~~Petition~~. APPLICATION

- 1) Any owner or owners of property desiring a re-classification of their property, or an amendment, supplement or change of the regulations of this Ordinance, shall file with the Board of Supervisors a petition APPLICATION, duly signed and acknowledged, describing the proposed amendments, supplements or change of the regulation of this Ordinance, zoning boundaries or districts. ~~Each such petition shall be accompanied by the written consents of at least fifty one percent (51%) of the owners, by number, and by area of all other properties, any part of which is within three hundred (300) feet of the proposed change, except that if the petition is for a change of zone classification, there shall not be counted either in number or area, the owners of property of the same zoning district classification, as sought by the petitioners.~~ Each such petition APPLICATION shall also be accompanied by a map showing the existing and proposed district boundaries and other information relating thereto, and by the fee prescribed herein.
  
- 2) Upon receipt in proper form of such petition APPLICATION, the Board of Supervisors shall submit the same to the Commission for report and recommendation. Prior to presenting its report and recommendation to said Board, the Commission shall hold a public hearing thereon after giving at least fifteen (15) days notice thereof by publication once in a newspaper of general circulation in the County Seat and by adequate posting of the area of concern in said petition at least fifteen (15) days in advance of the public hearing. THE COMMISSION SHALL ALSO SEND NOTICE BY FIRST CLASS MAIL TO EACH REAL PROPERTY OWNER AS SHOWN ON THE LAST ASSESSMENT OF THE PROPERTY WITHIN THREE HUNDRED FEET OF THE PROPOSED AMENDMENT OR CHANGE AND EACH COUNTY AND MUNICIPALITY WHICH IS CONTIGUOUS TO THE AREA OF THE AMENDMENT OR CHANGE. THE NOTICE SENT BY MAIL SHALL INCLUDE AT A MINIMUM, THE DATE, TIME AND PLACE OF THE HEARING ON THE PROPOSED AMENDMENT OR CHANGE INCLUDING A GENERAL EXPLANATION OF THE MATTER TO BE CONSIDERED, A GENERAL DESCRIPTION OF THE AREA OF

THE PROPOSED AMENDMENT OR CHANGE, HOW THE REAL PROPERTY OWNERS WITHIN THE ZONING AREA MAY FILE APPROVALS OR PROTESTS OF THE PROPOSED REZONING, AND NOTIFICATION THAT IF TWENTY PERCENT OF THE PROPERTY OWNERS BY AREA AND NUMBER WITHIN THE ZONING AREA FILE PROTESTS, AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL MEMBERS OF THE BOARD WILL BE REQUIRED TO APPROVE THE REZONING.

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Amendments initiated by the Commission are subject to the same public hearing requirements set forth herein for amendments initiated by ~~petition~~ AN APPLICATION, and shall include adequate posting of the area of concern in amendments changing zoning district boundaries at least fifteen (15) days in advance of all required public hearings. Upon concluding the public hearings, the Board of Supervisors may adopt amendments initiated by the Commission provided that if, in the case of amendments changing zoning district boundaries, twenty percent (20%) of the owners, by number and area, of all other property within three hundred (300) feet of the proposed change file a protest, such amendment shall not be made except by the ~~unanimous~~ A THREE-FOURTHS vote of all members of the Board of Supervisors.

Section 2904 - Right-of-Way Acquisition.

The recommendation of the Commission concerning amendments changing zoning district boundaries may include appropriate provision for acquiring right-of-way for street widening purposes if it appears that the adoption of such amendment would have the effect of increasing traffic congestion. The amount of land recommended for such acquisition, however, shall not extend beyond the setback lines set forth in Section 2509 hereof.

Section 2905 - Re-Consideration of Denied Petition-  
APPLICATION

If a ~~petition~~ AN APPLICATION for amendment is denied by the Board of Supervisors, that ~~petition~~ APPLICATION shall not be re-filed nor shall there be filed with the Board of Supervisors any other ~~petition~~ APPLICATION for the same amendment within one (1) year unless there is a change of circumstances warranting such filing.

Section 2906 - Fees.

There shall be the following fees; Re-Zoning and Ordinance Amendments, \$75 or \$5 per acre whichever is greater not to exceed \$300 for each separate Zoning District requested; Zoning Extensions \$75 for each separate Zoning District requested; Special Development and Planned Area Development Site Plans, in addition to re-zoning fees, there shall be a fee of \$75 plus \$20 a lot or acre, whichever is greater, not to exceed \$1,500; Site Plan Amendments, \$75; Special Use Permits, \$100 or \$150 for Mobile Home Subdivision, Parks or Travel Trailer Parks; Special Use Permit Extensions, \$75; Review of Conditions, Stipulations or Plat Variances, \$75.



State of Arizona  
Senate  
Forty-first Legislature  
First Regular Session  
1993

CHAPTER 171

SENATE BILL 1135

AN ACT

AMENDING SECTION 11-829, ARIZONA REVISED STATUTES; RELATING TO COUNTY ZONING.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-829, Arizona Revised Statutes, is amended to read:

11-829. Amendment of ordinance or change of zoning district boundaries

A. A ~~person~~ PROPERTY OWNER OR AUTHORIZED AGENT OF A PROPERTY OWNER desiring an amendment or change in the zoning ordinance changing the zoning district boundaries within an area previously zoned shall file AN APPLICATION FOR THE AMENDMENT OR CHANGE. ~~a petition in favor of the change and shall also file the written consents of at least fifty one per cent of the owners by number and area of all other properties any part of which is within three hundred feet of the proposed change. If the petition is for a change of classification, there shall not be counted, either in numbers or area, the owners of land of the same classification as sought by the petitioners.~~

B. Upon receipt of the ~~petition~~ APPLICATION the board shall submit it to the commission for a report. Prior to reporting to the board, the commission shall hold at least one public hearing thereon after giving at least fifteen days' notice thereof by one publication in a newspaper of general circulation in the county seat and by posting of the area included in the proposed change. In case of a rezoning, the posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest public right-of-way. The commission shall also send notice by first class mail to each REAL PROPERTY OWNER AS SHOWN ON THE LAST ASSESSMENT OF THE PROPERTY WITHIN THREE HUNDRED FEET OF THE

1 PROPOSED AMENDMENT OR CHANGE AND EACH county and municipality which is  
2 contiguous to the area of the amendment or change. THE NOTICE SENT BY  
3 MAIL SHALL INCLUDE, AT A MINIMUM, THE DATE, TIME AND PLACE OF THE HEARING  
4 ON THE PROPOSED AMENDMENT OR CHANGE INCLUDING A GENERAL EXPLANATION OF THE  
5 MATTER TO BE CONSIDERED, A GENERAL DESCRIPTION OF THE AREA OF THE PROPOSED  
6 AMENDMENT OR CHANGE, HOW THE REAL PROPERTY OWNERS WITHIN THE ZONING AREA  
7 MAY FILE APPROVALS OR PROTESTS OF THE PROPOSED REZONING, AND NOTIFICATION  
8 THAT IF TWENTY PER CENT OF THE PROPERTY OWNERS BY AREA AND NUMBER WITHIN  
9 THE ZONING AREA FILE PROTESTS, AN AFFIRMATIVE VOTE OF THREE-FOURTHS OF ALL  
10 MEMBERS OF THE BOARD WILL BE REQUIRED TO APPROVE THE REZONING. THE  
11 FOLLOWING SPECIFIC NOTICE PROVISIONS ALSO APPLY:

12 1. In proceedings that are not initiated by the ~~property owner~~  
13 COMMISSION involving rezoning, ~~of land to a more restrictive zone~~, notice  
14 by first class mail shall be sent to each real property owner, as shown on  
15 the last assessment of the property, of the area to be rezoned and all  
16 property owners, as shown on the last assessment of the property, within  
17 three hundred feet of the property to be rezoned.

18 2. In proceedings involving one or more of the following proposed  
19 changes or related series of changes in the standards governing land uses,  
20 notice shall be provided in the manner prescribed by ~~subsection B,~~  
21 ~~paragraph 3 of this section:~~

22 (a) A ten per cent or more increase or decrease in the number of  
23 square feet or units that may be developed.

24 (b) A ten per cent or more increase or reduction in the allowable  
25 height of buildings.

26 (c) An increase or reduction in the allowable number of stories of  
27 buildings.

28 (d) A ten per cent or more increase or decrease in setback or open  
29 space requirements.

30 (e) An increase or reduction in permitted uses.

31 3. In proceedings governed by ~~subsection B,~~ paragraph 2 ~~of this~~  
32 ~~section,~~ the county shall provide notice to real property owners pursuant  
33 to at least one of the following notification procedures:

34 (a) Notice shall be sent by first class mail to each real property  
35 owner, as shown on the last assessment, whose real property is directly  
36 affected by the changes.

37 (b) If the county issues utility bills or other mass mailings that  
38 periodically include notices or other informational or advertising  
39 materials, the county shall include notice of such changes with such  
40 utility bills or other mailings.

41 (c) The county shall publish such changes prior to the first  
42 hearing on such changes in a newspaper of general circulation in the  
43 county. The changes shall be published in a "display ad" covering not  
44 less than one-eighth of a full page.

45 4. If notice is provided pursuant to paragraph 3, ~~subdivisions~~  
46 SUBDIVISION (b) or (c), the county shall also send notice by first class  
47 mail to persons who register their names and addresses with the county as  
48 being interested in receiving such notice. The county may charge a fee

1 not to exceed five dollars per year for providing this service and may  
2 adopt procedures to implement this ~~provision~~ PARAGRAPH.

3 5. Notwithstanding the notice requirements set forth in subsection  
4 B, paragraph 2 ~~of this section~~, the failure of any person or entity to  
5 receive notice shall not constitute grounds for any court to invalidate  
6 the actions of a county for which the notice was given.

7 C. Upon receipt of the commission's recommendation the board shall  
8 hold a public hearing thereon at least fifteen days' notice of which shall  
9 be given by one publication in a newspaper of general circulation in the  
10 county seat and by posting the area included in the proposed change.  
11 After holding the hearing the board may adopt the amendment, but if twenty  
12 per cent of the owners of property by area and number within the zoning  
13 area file a protest to the proposed change, the change shall not be made  
14 except by ~~the unanimous~~ A THREE-FOURTHS vote of all members of the board.  
15 IF ANY MEMBERS OF THE BOARD ARE UNABLE TO VOTE ON THE QUESTION BECAUSE OF  
16 A CONFLICT OF INTEREST, THE REQUIRED NUMBER OF VOTES FOR THE PASSAGE OF  
17 THE QUESTION IS THREE-FOURTHS OF THE REMAINING MEMBERSHIP OF THE BOARD,  
18 EXCEPT THAT THE REQUIRED NUMBER OF VOTES IN NO EVENT SHALL BE LESS THAN A  
19 MAJORITY OF THE FULL MEMBERSHIP OF THE BOARD. IN CALCULATING THE OWNERS  
20 BY AREA, ONLY THAT PORTION OF A LOT OR PARCEL OF RECORD SITUATED WITHIN  
21 THREE HUNDRED FEET OF THE PROPERTY TO BE REZONED SHALL BE INCLUDED. IN  
22 CALCULATING THE OWNERS BY NUMBER OR AREA, COUNTY PROPERTY AND PUBLIC  
23 RIGHTS-OF-WAY SHALL NOT BE INCLUDED.

24 D. The planning commission may on its own motion propose an  
25 amendment to the zoning ordinance and may, after holding a public hearing  
26 as required by this chapter, transmit the proposal to the board which  
27 shall thereupon proceed as set forth in this chapter for any other  
28 amendment.

29 E. Notwithstanding the provisions of title 19, chapter 1, article  
30 4, a decision by the governing body involving rezoning of land which is  
31 not owned by the county and which changes the zoning classification of  
32 such land or which changes the zoning standards of such land as set forth  
33 in subsection B, paragraph 2 ~~of this section~~ may not be enacted as an  
34 emergency measure and such a change shall not be effective for at least  
35 thirty days after final approval of the change in classification by the  
36 board.

37 F. FOR THE PURPOSES OF THIS SECTION "ZONING AREA" MEANS THE AREA  
38 WITHIN THREE HUNDRED FEET OF THE PROPOSED AMENDMENT OR CHANGE.

APPROVED BY THE GOVERNOR APRIL 20, 1993.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 1993.

RESOLUTION NO. 93-11P

A RESOLUTION OF THE PLANNING COMMISSION OF NAVAJO COUNTY  
REQUESTING AN AMENDMENT TO  
THE NAVAJO COUNTY ZONING ORDINANCE

The Navajo County Planning and Zoning Commission does resolve as follows:

SECTION 1. The Planning Commission does hereby declare and determine the following recommended amendment was duly given and published, that a public hearing was duly held on the 19TH day of AUGUST, 1993, and that the public necessity, convenience and general welfare and good zoning practice require that the following amendment and change be made.

SECTION 2. The Planning Commission hereby **recommends** to the Board of Supervisors the **(ADOPTION)** [REDACTED] of the change and amendment of the text of Section ARTICLE 29 entitled AMENDMENTS of the Navajo County Zoning Ordinance to read as follows:

SEE ATTACHED

SECTION 3. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 19<sup>th</sup> day of August, 1993

[Signature]  
Chairman, Navajo County  
Planning and Zoning Commission

ATTEST:

[Signature]  
Secretary, Navajo County  
Planning and Zoning Commission

ARTICLE 29 - AMENDMENTS.

Section 2910 - Authority.

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- 2) Upon receipt in proper form of such ~~petition~~ APPLICATION, the Board of Supervisors shall submit the same to the Commission for report and recommendation. Prior to presenting its report and recommendation to said Board, the Commission shall hold a public hearing thereon after giving at least fifteen (15) days notice thereof by publication once in a newspaper of general circulation in the County Seat and by adequate posting of the area of concern in said petition at least fifteen (15) days in advance of the public hearing. THE COMMISSION SHALL ALSO SEND NOTICE BY FIRST CLASS MAIL TO EACH REAL PROPERTY OWNER AS SHOWN ON THE LAST ASSESSMENT OF THE PROPERTY WITHIN THREE HUNDRED FEET OF THE PROPOSED AMENDMENT OR CHANGE AND EACH COUNTY AND MUNICIPALITY WHICH IS CONTIGUOUS TO THE AREA OF THE AMENDMENT OR CHANGE. THE NOTICE SENT BY MAIL SHALL INCLUDE AT A MINIMUM, THE DATE, TIME AND PLACE OF THE HEARING ON THE PROPOSED AMENDMENT OR CHANGE INCLUDING A GENERAL EXPLANATION OF THE MATTER TO BE CONSIDERED, A GENERAL DESCRIPTION OF THE AREA OF

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9:40

FLOOD CONTROL DIVISION  
Kent A. Delph, E.I.T  
Staff Engineer

HIGHWAY DIVISION  
Jay Whipple - Doug Pogue  
Superintendents

ENGINEERING DIVISION  
David Ashton, P.E.  
Assistant County Engineer

ADMINISTRATION DIVISION  
Judy Jones  
Office Supervisor

PLANNING & BUILDING DIVISION  
Mike Peterson  
Division Director

**NAVAJO COUNTY  
PUBLIC WORKS DEPARTMENT**

P.O. Box 668 - So. Highway 77  
Holbrook, Arizona 86025

(602) 524-6161 Ext. 260

FAX (602) 524-1418

**CHUCK WILLIAMS, P.E.**  
Director  
County Engineer

**M E M O R A N D U M**

**DATE:** September 29, 1993

**TO:** Eddie Koury,  
County Manager

**FROM:** Mike Peterson, *MP*  
Division Director

**THRU:** Chuck Williams, P.E.,  
County Engineer

**RE: Planning and Zoning Recommendation - Proposed Amendments  
to Article 29, Navajo County Zoning Ordinance.**

This Commission recommendation is to adopt recent State legislation amending ARS 11-829. This legislation deleted the requirement for a petition with consent of 51% of the property owners within 300 feet of a property owner requesting an amendment to the Zoning Ordinance.

The legislation requires that affected property owners be notified with first class mail by the County of any proposed Zoning Ordinance amendments.

The Commission has been using the mail notification process for the past year on the basis of a County Attorney's opinion.

MP/nl